

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DERON RAPLEY,

Petitioner,

Case No. 2:15-cv-101

v.

HON. R. ALLAN EDGAR

DUNCAN MACLAREN,

Respondent.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has before it Petitioner's Objection to Magistrate Judge Timothy P. Greeley's Report and Recommendation ("R&R") that the petition for writ of habeas corpus be dismissed because it is barred by the one-year statute of limitations. ECF No. 12. Petitioner does not argue that he filed his petition timely, that he is entitled to equitable tolling, or allege any facts or circumstances that would show actual innocence. Petitioner states that his claims raised in his habeas petition show that he is actually innocent and provides a very detailed brief addressing the claims raise. However, Petitioner does not show how that he is actually innocent or provide any evidence to that effect. Most of his claims directly address his claims of ineffective assistance of counsel. *McQuiggin v. Perkins*, 133 S.Ct. 1924, 1931–32 (2013); *Schlup v. Delo*, 513 U.S. 298 (1995).

Accordingly, Magistrate Judge Greeley's R&R is **APPROVED AND ADOPTED** as the Opinion of the Court. ECF No. 12. The petition is **DISMISSED** as barred by the one-year statute of limitations. ECF No. 7. **IT IS ORDERED** that a certificate of appealability is denied. A judgment consistent with this Order will be entered.

SO ORDERED.

Dated: 1/6/2016

/s/ R. Allan Edgar
R. Allan Edgar
United States District Court Judge